Foreign lawyers to practice in India

2779. SHRI B. K. HARIPRASAD: Will PRIME MINISTER be pleased to state:

(a) whether it is a fact that a number of foreign lawyers have recently sought permission to practice in India through Foreign Investments Promotion Board and whether there were objections to this proposal from the Bar Council of India;

(b) whether it is also a fact that after their proposals being rejected upon strong opposition from Bar Council of India, they routed their proposals again through Reserve Bank of India, seeking its permission to set up "project status offices" in India; and

(c) whether any such permission was ganted to them by the Reserve Bank of India and if so, whether any such firms of lawyers are operating in India?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) The Foreign Investment Promotion Board have stated that they have not received any proposal from foreign lawyers seeking permission to practice in India. However, a law firm of USA M/s. Baker & Mckenzie, Washington, D.C., sought guidance of the Government in the matter of establishment of their office in India. The Bar Council of India are not in favour of granting permission for establishment of foreign law firms in India.

(b) and (c) The Reserve Bank of India have granted permission to three foreign law firms to open "liaison office" in India to act as communication channels between their Head Offices abroad and parties in India. They are not permitted to undertake any trading or commercial activities in India or render legal services or practice law in India.

Implementation of recommendations of Malimath Commission

2780. SHRI V. GOPALSAMY: Will the PRIME MINISTER be pleased to state:

(a) what were the recommendations of Justice Malimath Commission;

(b) what action has been initiated on each of the recommendations;

(c) by when each of these recommendations are likely to be implemented by Government?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H. R. BHARDWAJ): (a) to (c) The recommendations of Malimath Committee can be categorised into the following types:

(i) Changes in legislative enactments such as abolishing the ordinary original civil jurisdiction of High Courts, reduction in appeals, amendments in Civil Procedure Code etc.

(ii) Administrative and procedural modifications in the judiciary to be effected by the State Governments/High Courts. The recommendations like adherence of punctuality in Courts, grouping and classification of cases for their expeditious disposal, avoidance of long arguments etc.

(iii) Modernisation and automation of courts, provision of necessary infrastructural facilities for judges to enable them to dispose of cases expeditiously.

(iv) Constitution of specialised bodies as alternatives to Courts like tribunals/ commissions to deal with specific types of cases.

The recommendations of the Malimath Committee were sent to all the concerned Central Ministries, State Governments and High Courts for necessary follow-up action. Some of the recommendations viz. relating to raising of the pecuniary jurisdiction of District Courts,

introduction of a Centrally Sponsored Scheme to upgrade infrastructural facilities for the judiciary, setting up of training facilities for legislative drafting, decision to set up an All India Training Academy etc. have already been implemented by the concerned authorities.

2. A meeting of the law Ministers was held at Bangalore in October, 1992 to review the suggestions made by the Malimath Committee so as to reduce the pendency of cases in courts. As per the decision taken in the Law Ministers' Conference, 3 working groups of State Law Ministers was constituted to suggest measures for the implementation of the recommendation of the Arrears Committee, so as to expedite the disposal of pending cases in Courts. In Order to consider the problem of arrears of cases in Courts and find out ways and means to deal with it as expeditiously as possible, a meeting of the Chief Ministers and Chief Justices was held on 4th December, 1993 under the Chairmanship of the Prime Minister. The Conference recommended several steps, in a resolution it adopted for speedy disposal of cases in Courts/ Tribunals, which have been accepted by the Government and commended to all the State Governments/UT Administrations and High Courts/ Tribunals for necessary action. Three Working Groups of Law Ministers, thereafter, met to consider the recommendations contained in the above Resolution with regard to rural litigation, arrears of cases in administrative tribunals and alternative dispute resolution. The implementation of December, 1993 resolution and recommendations made by the Working Groups were reviewed by the Law Ministers at their plenary meeting held in Calcutta in November, 1994. The resolutions adopted in the meeting have been commended to all the concerned authorities for necessary action.

Opening of Office of additional registrar of Companies in Maharashtra

2781. DR. BAPU KALDATE: Will the PRIME MINISTER be pleased to state:

(a) whether there is a demand of opening an office of the additional Registrar of Companies in cities having important commercial conglomerations in Maharashtra in addition to the office of the Registrar of Companies at Bombay;

(b) whether Government have taken any decision to open office of an Additional Registrar of Companies in Maharashtra at any place outside Bombay;

(c) whether Marathwada Development Board has also represented to open such an Office in Aurangabad city for the development to the Marathwada Region; and

(d) whether any policy decision has been taken in this regard; if so, by when it is likely to be implemented?

THE MINISTER OF STATE IN THE MINISTRY OF LAW, JUSTICE AND COMPANY AFFAIRS (SHRI H.R. BHARDWAJ): (a) Yes, Sir.

(b) Government recognise the need for opening of additional offices of Registrar of Companies in States with large number of companies including Maharashtra. However, no final decision has been taken in this regard and the jurisdictions of such offices have not been finalised.

(c) Yes, Sir.

(d) No final decision has been taken so far in this regard.